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C O N F I D E N T I A L SECTION 01 OF 02 BEIRUT 000860

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TAGS: [PGOV](#) [PREL](#) [UNSC](#) [AA](#)

SUBJECT: LEBANON: GOL MOVING QUICKLY ON SPECIAL TRIBUNAL

REF: A. BEIRUT 858

[1](#)B. BEIRUT 820

Classified By: Ambassador Jeffrey D. Feltman for reasons 1.4 (b) and (d).

[1](#)1. (U) This is an action request. Please see paragraph 10.

[1](#)2. C) SUMMARY: The Lebanese government is moving quickly on steps it must take to start the UN Tribunal. Minister of Justice Charles Rizk told the Ambassador June 14 that the GOL will submit to the UN Legal Adviser a list of twelve potential Lebanese judges for the Special Tribunal on June [1](#)18. The UN picks four of these; the GOL will identify its favored four. The GOL also is moving forward with nominations for the deputy prosecutor position and has earmarked USD 10 million for the Lebanese share of the first year of the Tribunal's costs. On venue, Rizk said the Cabinet has ruled out Cyprus and Malta and is still considering other sites. Rizk lamented the fact that the UN Office of Legal Affairs is, in his view, moving more slowly on Tribunal preparations and asked for USG assistance to push it. Rizk also expressed serious concerns that the Eido assassination (Ref A) would lead to Sunni retaliation and an end to discussions of a national unity government. End summary.

[1](#)3. (C) In a June 14 lunch with the Ambassador, DCM, and Pol/Econ Chief at his residence in Beirut, Minister of Justice Charles Rizk said the GOL would forward its proposed list of 12 Lebanese judges for the Special Tribunal to the UN on Monday, June 18. The list would be comprised of six Christians and six Muslims. Noting that PM Siniora had approved the action and that the list does not need cabinet approval, Rizk said Ralf Riachi and Choukri Sadr, the two judges who had negotiated the tribunal agreement with UN/OLA, would head the list. He said he will specify to UN Legal Advisor Nicolas Michel the four among the twelve nominees that the GOL prefers that the UN select. Rizk expressed indifference regarding which capacity the four served, but noted that usually the most senior judges are reserved for the appellate court. When asked about why Sadr -- who had previously refused to allow himself to be nominated -- had changed his mind, Rizk said that he, more than Sadr, was committed to Sadr's inclusion.

[1](#)4. (C) It is critical that the Legal Advisor act quickly once he receives the Lebanese list, Rizk said, not only to show momentum for the Tribunal, but also because there will be a need to provide physical protection to those named. It is easier to provide protection for four than for twelve. Arguing that the judges will face severe risk, Rizk urged the UN provide protection similar to that afforded UN Special

Envoy for Lebanon Geir Pedersen

15. (C) Rizk also indicated he would not wait for the UN to appoint the Prosecutor but would move now to propose two candidates for the position of Deputy Prosecutor for the Tribunal -- probably Joyce Thabet, a well-respected Christian judge who is eager to have the position (and who is close to Defense Minister Elias Murr, himself the target of an assassination attempt), and another Muslim prosecutor. PM Siniora would let the UN choose from those two without further consultation with the GOL, to speed the process. Unlike the nomination of the 12 judges, the nominations for the deputy prosecutor would need cabinet approval. However, disagreeing with PM Siniora (Ref B), Rizk did not believe the GOL needed to wait until the UN appoints the primary prosecutor before proposing a deputy. Rizk agreed to press his UN contacts to appoint the primary prosecutor as soon as possible.

16. (C) According to Rizk, Michel had told him the Tribunal would require USD 20 million for the first year, which Rizk considered too low -- even USD 30 million was not enough. He agreed with the Ambassador that Lebanon should be the first to contribute, stating that Siniora had already earmarked USD 10 million. As Siniora was taking the money from a previously budgeted contingency fund, no parliamentary action was needed.

17. (C) As for venue, Rizk said the cabinet had discussed various options and rejected two: Cyprus (where Socialist Progressive Party leader Walid Jumblatt reportedly had concerns about Syrian interference) and Malta (similar concerns about the Libyans). Other sites are still being discussed.

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18. (C) Rizk commented that UN/OLA chief Michel was, in his view, procrastinating on setting up the Tribunal. Michel had told him that the Tribunal would not be up and running before February or March of next year. If we don't push the UN, Rizk said, it could take years before the Tribunal is operational. Unfortunately, former Legal Advisor to Rafiq Hariri and former Minister of Justice Bahije Tabbarah, still smarting from the Hariris' decision to choose Siniora (Hariri's former financial advisor) over him as prime minister, also was advocating a slower pace, reportedly arguing against nominating the 12 judges now. The Ambassador urged the GOL to move quickly, which Rizk said was "music to his ears." He planned to meet with Siniora later that evening to discuss the matter further.

19. (C) Rizk, who several times during the course of the lunch lamented his de facto near state of house arrest ("to have fun I have to leave the country") due to security concerns, said he had no doubt the Syrians were behind the June 13 assassination of MP Walid Eido. The assassination probably also spelled an end to efforts to form a national unity government, since "no one wants to meet with people who are plotting to kill you." Rizk feared the bombing would lead to Sunni retaliation; Saad Rafiri's community wants revenge, he argued, but doesn't have the Syrians apparatus. In any case, he continued, Hariri is a "civilized man," unlike Lebanese Forces leader Samir Geagea, an "expert in extermination." In response to the Ambassador's suggestion that an early start-up of the Tribunal could help send the Syrians a clear message, Rizk agreed, saying, "I hope you can do more."

10 (C) Comment and action request: Just as IO A/S Silverberg urged during her Beirut trip last week, the Lebanese seem to be moving quickly in finishing their tribunal homework. Rizk's sense of urgency is consistent with what we have heard from PM Siniora. Walid Eido's murder is a reminder of why we should act quickly: if murders or defections eliminate the March 14 majority, then Siniora's cabinet could fall, with tribunal establishment grinding to a halt. The same thing

could happen with any cabinet expansion where the March 8-Aoun forces get a blocking minority. Thus, we applaud the GOL's apparent (and unusual) haste. Rizk is also right to fear for the proposed judges' safety once their names leak (as they inevitably will). We there recommend, especially in light of the assassination Eido, that the Department and USUN urge UN/OLA to move immediately upon receiving the list of nominees from the GOL to choose the four, reducing the threats to the others. We also hope that, with the GOL apparently ready with funding, the UN will soon open the tribunal account and move quickly to name the prosecutor who will choose a deputy prosecutor from the two names the GOL will submit. Any rapid progress on tribunal establishment will help reassure the Lebanese who are more deeply worried than ever this week that people are still getting away with murder. End action request.

FELTMAN